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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

Lord Shaw on Law as a Link of Empire.

LORD SHAW has passed from the American Bar Association at San Francisco to the Canadian Bar Association at Vancouver. "Westward the course of Empire takes its way," and amongst our fellow subjects he has expressed himself on "the noble, sane, powerful, and consecrated Imperialism of service" which unless men cherish, "law is a dead force and the war has been fought in vain." That Empire means in one aspect service and in another justice, and that in this way law is the link of Empire is a mode of expressing accepted ideas—we hope we may thus describe them—which raises them to a higher plane. We must put this address of Lord SHAW'S with his address at San Francisco, and, as we said last week, we hope to return them. They are of too permanent a value to be passed with a slight word of recognition.

The New County Court Rules.

WE PRINT elsewhere a set of County Court Rules varying in certain respects the existing rules as to the amount and awarding of costs. As to the awarding of costs, the principal change is contained in rule 7 of Order 53, which is re-drafted so as, we gather, to confer upon the registrar the power of allowing discretionary items, provided they have not been specially disallowed by the judge.

The Enforcement of Overseas Judgments.

THE RULES under Part II of the Administration of Justice Act, 1920, with respect to overseas judgments, which were issued as provisional rules last May and came into operation on the ground of urgency on 12th June, have now been issued as "The Rules of the Supreme Court (Administration of Justice Act, Part II), 1922, dated July 28, 1922." We printed the provisional rules (*ante*, p. 561), and they do not appear to have been changed. The Administration of Justice Act provides by sect. 9 (1) for the registration here of judgments obtained in a superior court of the Overseas Dominions if, in all the circumstances of the case, the High Court thinks it just and convenient that the judgment should be enforced in the United Kingdom. The present rules prescribe the procedure on application for registration and for setting aside registration. Certain matters mentioned in sect. 9 (2) of the Act forbid an order for registration, but when the judgment is registered then, under sub-sect. (3), it will, as from

the date of registration, be of the same force and effect as if it had been a judgment originally obtained in the registering court. This replaces the procedure under which hitherto a judgment obtained abroad has only been enforceable here by action on the judgment.

The late Judge Fossett Lock.

THE DEATH last week, in his seventy-fifth year, of Judge FOSSETT LOCK will have occasioned very general regret. Mr. FOSSETT LOCK was one of those many-sided and public-spirited men who redeem the law from the usual charge of being a narrow and unimaginative profession. A conveyancer and Chancery practitioner in Lincoln's Inn until his judicial appointment ten years ago—he was one of the counsel engaged in the famous Ailesbury Settled Land Acts case (1892, A.C. 357)—he belonged also to the Western circuit and had the unique distinction for an equity man of being leader of the Dorsetshire Sessions. He was also a keen legal scholar, a friend of MAITLAND, and Chairman for many years of the Maitland Society, in which capacity he took a leading part in selecting the mediæval manuscripts to be published by that society and the men who were to edit them. He wrote the life of MAITLAND for the dictionary of National Biography, and we always remember with gratitude the appreciation of MAITLAND which he contributed to these columns on the death of that eminent legal scholar (51 SOL. J., 154). In addition to his other work, he gave, while he remained at the Bar, a considerable portion of his leisure to the task of advising poor persons gratuitously at Toynbee Hall; he founded and inspired the movement for securing legal redress to the poor; he gave evidence before the Commission which enquired into that problem; and he had the satisfaction of seeing his views substantially embodied in the Poor Prisoners' Defence Act and the Poor Persons Procedure in the High Court. These activities would have been enough for most men. But, in addition, during all the time that his friend Professor MAITLAND was President of the Social and Political Education League, FOSSETT LOCK acted as Chairman of the League's Committee and directed its activities in providing courses of popular lectures on academic lines.

The late Sir Albert Rollit.

Sir ALBERT ROLLIT, who has just died at an advanced age, was one of those solicitors in the second half of Queen VICTORIA'S reign who did so much to win for the profession its present dignified regard in the public eye. A successful family solicitor, he was also a shipowner and, through his business connections with his native town of Hull, won a leading position in the world of shipowners as well as that of his own profession. He was for many years an active member of the Council of the Law Society and he was President of the Society in 1902-3 He also entered Parliament; that was in 1895, and he was then one of the very few solicitors in the House of Commons. He earned a high reputation as a moderate and progressive Conservative, just as two other contemporary solicitors, the late Viscount FOWLER of Wolverhampton and Sir ROBERT PERKS, earned an equally great reputation as moderate and conservative-minded members of the Liberal Party. A Conservative free-trader, Sir ALBERT lost his parliamentary seat in 1906; he never re-entered Parliament; indeed, he gradually identified himself with the Liberal party to which he had formerly been opposed. His opinion, of course, had not changed: there is little real difference of view between moderate men on either side in Parliament. Sir ALBERT'S chief parliamentary successes were won in the cause of legislation for the protection of shop-assistants and sweated trades, and during his Presidency of the Law Society he was active in promoting the County Courts Bill of 1903 and the Prevention of Corruption Bill.

The Partial Removal of the Restrictions on Mortgagees.

A CORRESPONDENT whose letter we print elsewhere inquires as to the effect of the pending expiration of the Courts (Emergency Powers) Acts. We gave last week the full text of the Lord Chancellor's notice as received by us, and we are not aware that any further official announcement has been made. It will be seen that, apart from the lapse of insurance policies, the only exception is in respect of orders made before 31st August, 1922. This is the date correctly given in the notice. In commenting on the matter (*ante*, p. 704), we had before us the print of the exception given in *Hansard* (1st August, H.L. col. 1020), where it was given as 31st August, 1921, and we repeated the error. Of course the appropriate date is the 31st instant, when the Acts expire. As from that date the restrictions imposed by the Acts on the exercise by mortgagees of their powers of sale without the leave of the Court are withdrawn. But it is important to notice that the restriction contained in sect. 7 of the Increase of Rent, &c., Act, 1920, continues in respect of mortgages to which that Act applies, so that the position will still remain difficult.

The New Form of Jury Lists.

WE PRINTED last week the Juries Act, 1922, under which the system under the Juries Act, 1825, of preparing and printing separate jury lists is abolished, and use is made for this purpose of the Parliamentary register. Power to modify the existing system, for the purpose of avoiding unnecessary expense and trouble, was given by the Juries Act, 1918, but this was an emergency measure and has expired. The question of substituting a new register was considered by the Jury Committee of 1913, and the report of the Minority, including Judge PARRY, was in favour of basing the jury list on the Parliamentary register, and that every Parliamentary elector should be liable to serve as a juror. But the Majority reported in favour of the continuance of the preparation of separate jury lists by the overseers. Under the Act the change from the separate jury list to the Parliamentary list is effected, but not to the extent contemplated by the Minority report. The two lists are not made co-extensive, but the Parliamentary list is to be used as the list in which the persons liable to serve as special jurors or common jurors are to be marked in a distinctive manner. By the Juries Order, 1922 (printed in the *Gazette* of 23rd June), made under s. 6 of the Act, provision is made for the distinctive marking by placing "J" and "S.J." after the names of persons liable to serve as jurors or special jurors respectively, and for the overseers furnishing to the registration officer the information required for this purpose.

Exemption from Jury Service.

PROVISION IS MADE by the Act for application to be made to the registration officer for removal of the marks where wrongly affixed, and there is an appeal from him to a court of summary jurisdiction (s. 1 (5)). But a person entitled to exemption must get the mark removed, otherwise he will be liable to serve (s. 2 (1)). This continues the provision of s. 12 of the Juries Act, 1870, which is repealed. But excuses from attendance may now be allowed by the sheriff (s. 3); hitherto they have had, in strictness, to be dealt with by the judge, though frequently in practice they have been dealt with by subordinate officers. We have received from the Home Office a copy of a circular letter (of the 9th inst.) which has been issued to the officials concerned, containing in considerable detail directions as to the performance of the new duties imposed on them, and as to other registration matters. As a rule objections made by persons to being marked for jury service will be dealt with by the registration officer before the list is published; but if not, a formal application for removal of the jury mark can be made before 25th October, and if not complied with, then an application can be made to justices. The registration officer, it is stated, will formulate his own procedure for dealing with the applications, but usually he will arrive at a decision on the information supplied to him without requiring the attendance of the applicant. No rule has been made for regulating applications to justices, but it is stated that No. 58 of the Summary Jurisdiction Rules will be applicable.

Arrest by Plain-clothes Policemen.

A LETTER FROM a well-known figure in the dramatic world, Mr. LEWIS WALLER, appeared in *Tuesday's* daily press, drawing attention to what appears a very real defect in our present police arrangements. A friend of Mr. WALLER'S, it seems, was leaving Mr. WALLER'S flat at night and had in his possession a dressing-gown, the property of Mr. WALLER. Two men, in plain clothes, alleging themselves to be detectives, but so dressed that a layman could not possibly tell whether they were officers of the law or roughs intending to rob him, stopped him and accused him of having stolen the dressing-gown. He returned with them to the flat in order that Mr. WALLER might explain: the latter, seeing his friend apparently set upon by two roughs, and not dreaming that they were detectives, encouraged him to resist the latter; the result was a fight, followed by police-court proceedings on a charge of assaulting the police. It certainly seems undesirable that detectives in plain clothes should be given the wide authority they at present possess to interfere with and arrest ordinary citizens upon suspicion of some offence. In some cases, of course, as where a murderer is caught red-handed and is trying to escape, such interference is necessary: but in such cases it would be equally the duty of any private citizen to take the responsibility of enforcing the law. In less urgent cases, surely the proper course is for the plain clothes detective, except when he holds a warrant to arrest a named individual, to report his suspicions to a policeman in uniform and ask the other to make any necessary enquiries of a suspected person. Any other course only leads to the adoption by astute criminals of the "bogus dectective" pose, and renders it impossible for the private citizen to be sure that he is really dealing with an officer of the law. Without expressing any opinion on the merits of the dispute in which Mr. WALLER and his friend were concerned, we certainly think that the police methods criticised by Mr. WALLER seem open to the danger of serious abuse.

Legal Education and the Law Society.

WITH REFERENCE to the passing of the Solicitors Act, 1922, a correspondent writes:—"Now that the Law Society has received statutory recognition in the capacity of a teaching as well as an examining body, great advances in the extent and standard of legal education may be expected in London. Hitherto legal teaching of other than a popular kind has been in two hands in London, namely the Council of Legal Education which provides Readers who lecture to bar-students, and the Law Faculty of London University which conducts some scattered courses for the L.L.B. degree in King's College, Birkbeck College, and the London School of Economics. The Law Society, under the Principalship of Mr. JENKS, has provided tutorial classes for articled pupils; but, hitherto, these have been optional. Now all this is changed. The Hall in Bell-yard will undertake law teaching with the earnestness it throws into all its enterprises, and with enthusiasm it will couple a practical, business-like spirit. Unless the Inns of Court and London University wake up and improve their half moribund doses of legal teaching, the primacy in this important academic discipline must certainly pass to the Law Society at no distant date. That being so, we would venture to suggest to Principal JENKS and his Council that provision might well be made for the teaching of certain subjects which are of the utmost importance in the every-day work of the courts, but are not at present anywhere deemed worthy of inclusion in a legal curriculum. We refer to Practical Psychology (with special reference to the Chicago experiments in adopting the principle of psycho-analysis to the examination of witnesses), to Criminology and Penology, to the Pathology of mental disease, and to Medical Jurisprudence. The latter has long been a compulsory subject in the Scots Bar examination. Its neglect in England is very unfortunate" As to Medical Jurisprudence the suggestion may be useful, but we doubt whether Psycho-Analysis is a suitable subject for students.

The Law of Property Act, 1922.

VI.

MORTGAGES (*continued*).

The Realization of Mortgages (continued).—It only remains to notice the provision made by Schedule II for the realization of equitable mortgages by the Court. This is as follows:—

> 7. *Realisation of equitable charges by the court.*—(1) Where an order for sale is made by the court in reference to an equitable charge on land (not secured by a legal term of years absolute or by a charge by way of legal mortgage) the court may, in favour of a purchaser, make a vesting order conveying the land or creating a legal term of years absolute therein, or may appoint a person to convey the land or create a legal term of years absolute, as the case may require, in like manner as if the charge had been created by demise or subdemise or by a charge by way of legal mortgage pursuant to this Act, but without prejudice to any incumbrance having priority to the charge unless the incumbrancer consents to the sale.

We have already stated the provisions with regard to the realization of freehold and leasehold mortgages. Under the new system a succession of such mortgages will all be legal mortgages, and a mortgagee will realize his security either by sale or by foreclosure, or by going into possession and so remaining until the equity of redemption is extinguished by the Limitation Acts. The schedule does not deal with a case where the Court orders a sale in lieu of foreclosure under s. 25 of the Conveyancing Act, 1881, and it may be that s. 5 (1) of the schedule should be extended so as to vest the fee simple in the purchaser in this case. As regards equitable charges, the possible modes of realization depend on whether the charge is one which is enforceable by foreclosure or not. To be enforceable by foreclosure an equitable charge must carry with it an agreement, express or implied, for a legal mortgage; *e.g.*, a charge by deposit of deeds: *Carter* v. *Wake* (4 Ch. D. 605, per JESSEL, M.R., at p. 606); where there is no such agreement, but only an equitable charge or lien, the remedy is by judicial sale: *Marshall* v. *South Staffordshire Tramways Co.* (1895, 2 Ch., p. 50); *Re Owen* (1894, 3 Ch. 220). The provision we have quoted above is in terms large enough to cover equitable charges of both kinds. The only limitation is that the charge shall not be secured by a legal term, or by a charge by way of legal mortgage—which is equivalent to a charge secured by a legal term; that is, it shall not be a legal mortgage. But then we have the somewhat curious result that while, in the case of a charge which might be enforced by foreclosure, special provision is made for the alternative of a sale by the Court, yet there is no corresponding provision for the enforcement of a legal mortgage by sale by the Court.

It will be noticed that the object of the provision is to avoid the difficulty of getting in the legal estate on a judicial sale at the instance of an equitable mortgagee. This is done now either by directing the mortgagor to convey to the purchaser, or by a vesting order under s. 30 of the Trustee Act, 1893, or by appointing a person to convey. Under the new provision, a vesting order so made, or a conveyance by a person so appointed, will have the same effect as a conveyance made to realize a legal mortgage; at least, that, we take it, is the intention of s. 7 (1), though, perhaps, it is not very precisely expressed. But as we have pointed out, this applies only to judicial sale under an equitable charge. There is no corresponding provision for the case of sale in lieu of foreclosure under a legal mortgage. We must not be understood as saying definitely that there is an omission in the schedule. We are only making the suggestion which occurs to us on reading its provisions. We should add that there is an important provision in s. 3 (7) of the Act saving the remedies of an equitable chargee, but this section we shall consider later.

Tacking and Further Advances.—Section 8 of Schedule II deals first with consolidation, but since it only saves existing rights of consolidation—*i.e.*, where s. 17 of the Conveyancing Act, 1881, is excluded—and preserves the right to exclude this section in future mortgages, we need not refer to this matter further. But it is important to ascertain whether and to what extent the new Act varies the law as to tacking and further

advances. The word "tacking" is used to cover both these operations, but s. 8 conveniently keeps them distinct. Both are well known, and are frequently met with in practice. Tacking is where—to take a particular example—a third mortgagee takes from the first mortgagee a transfer of his debt, and a conveyance of the legal estate, and then adds his own debt to the first, and squeezes out the second mortgagee; "and this the Lord Chief Justice HALE called a *plank* gained by the third mortgagee, or *tabula in naufragio*, which construction is in favour of a purchaser, every mortgagee being such *pro tanto*: per JEKYLL, M.R., *Brace* v. *Duchess of Marlborough* (2 P. Wms. 491). It was essential that the third mortgagee should not have had notice of the second mortgage at the time he made his advance, but even so it is difficult to understand how the doctrine arose, and still more difficult to understand how it is still justifiable. The reason attributed to HALE, C.J., is obviously bad, for the second mortgagee was as much a purchaser as the third, and the doctrine was not in favour of him. In fact the doctrine was the result of the excessive regard paid by the Courts to the possession of the legal estate, a regard which was mere fetishism, and there was no good reason for departing from the rule that equitable incumbrancers take in order of time. Accordingly the doctrine was very properly abolished by sect. 7 of the Vendor and Purchaser Act, 1874; but, on the ground, apparently, that it prevented a first mortgagee from making further advances, it was restored in the following year by sect. 129 of the Land Transfer Act, 1875.

The position of a first mortgagee as regards further advances requires to be distinguished according as these are made under a security expressed to cover further advances or not. If nothing is said in the mortgage as to further advances, then the first mortgagee can, as against a second mortgagee, only tack these to his first advance by virtue of the possession of the legal estate, and it was further advances of this kind which were imperilled by the Vendor and Purchaser Act, 1874. Nor was there any reason why they should have priority over a subsequent incumbrancer. The remedy of the first mortgagee was to protect himself by making his original security extend to further advances.

If he adopts this course; if, that is, the mortgage is made to secure present and future advances, then he can tack, as against a subsequent incumbrancer who has not got the legal estate, by force of the contract, provided he has at the time of the further advance no notice of the subsequent incumbrance. And a mortgage to secure a current account at a bank is of this nature: *Hopkinson* v. *Rolt* (9 H.L.C. 514); *Bradford Banking Co.* v. *Briggs* (12 App. Cas. 29); *Deeley* v. *Lloyds Bank, Ltd.* (1912, A.C. 756). At one time it was considered that the form of such a mortgage would prevent a second mortgagee from gaining priority over any further advances, but this view was definitely overruled by *Hopkinson* v. *Rolt*, and since then it has been the law that the first mortgagee can, by force of the contract, have priority for further advances only when they are made without notice of the second mortgage. It thus appears that the protection of a mortgage to secure present and future advances, or of a current account mortgage, does not depend on the doctrine of tacking by virtue of the legal estate, and would not be prejudiced by the abolition of that doctrine; it depends on the fact that the further advances are protected by the contract, provided they are made without notice of a subsequent incumbrance: see *Calisher* v. *Forbes* (7 Ch. App. 109); *Re Weniger's Policy* (1910, 2 Ch., p. 295).

The Law of Property Bill of former sessions made special provision both as to tacking proper and as to priority of further advances, but the provision as to tacking was withdrawn in this year's Bill, and it does not appear in the Act. It was as follows:—

> (3) After the commencement of this Act, the right of a subsequent mortgagee to tack his mortgage to a prior legal mortgage (being a first mortgage) so as to affect the priority of any intermediate mortgages (whether legal or equitable) shall depend on whether he had notice of the intermediate mortgages at the time when the advance was made by him on the security of the subsequent mortgage.

Thus the original idea was expressly to recognise tacking, and to provide that, in the particular case of the prior legal mortgage being a first mortgage, tacking should depend on the want of notice. But that is the settled requirement for tacking, and it would have been futile to enact it, especially in such a connection as to suggest that it was only the test in a particular case; for, of course, the legal mortgage need not be a first mortgage, and the doctrine of tacking may be applied where there is an equitable charge ranking, by virtue of notice, prior to the legal mortgage. The clause was defective, and was properly withdrawn.

The result is that the Act has no provision as to tacking except the saving in Schedule II, s. 8 (2), for priority acquired by tacking before 1st January, 1925. Is it abolished or is it not? In the Memorandum shewing the alterations made in the Bill of 1921 it is said (at p. xiv) in reference to the striking out of s-s. (3): "Seeing that successive mortgages can under the Bill either take effect as a charge by way of legal mortgage or by means of a long term, or by sub-demise of a leasehold term, they can all be legal, and the old doctrine of tacking which usually gave rise to considerable injustice is no longer requisite." And yet, unless we are mistaken, it is not expressly abolished. At any rate the, Memorandum does not mention the clause abolishing it, and we have not ourselves found it. If it is abolished, therefore, this must be due to its being incompatible with the new system of mortgages by demise. Whether this is so is a matter for argument, and it is singular that, in a measure which is specially marked by attention to detail, the question whether tacking is abolished or not is not expressly dealt with. It would have been so easy to repeat the express abolition in the Vendor and Purchaser Act, 1874.

Is, then, the new system of mortgages by demise so inconsistent with tacking that the doctrine is in effect abolished? It must be remembered that, as regards equitable charges, a subsequent mortgagee by demise will *primâ facie* obtain priority, whether he has notice or not, by virtue of s. 3 of the Act. But this will not be so where the charge is created by deposit of deeds: s. 3 (5) (v), and there may be other exceptions under the section. And inasmuch as the non-production of the title deeds to a subsequent incumbrancer will in general be a reason for postponing that incumbrance, the question of tacking can hardly arise. The main question is whether, when all the successive mortgagees by demise, as well as the mortgagor himself, have legal estates, there will be any room for the doctrine of tacking. This depends on the nature of the legal estate which can be used to obtain protection under the doctrine. Clearly the entire fee simple is not required. A partial interest, such as a term of years, is sufficient: *Brace* v. *Duchess of Marlborough* (*supra*); and it may be that an outstanding nominal leasehold reversion is sufficient: see *Re Russell Road Purchase-Moneys* (12 Eq. 78). But this is as against equitable incumbrancers. As between successive legal incumbrancers under the new system, the question will be whether the legal estate which gives the prior right to possession gives priority over other legal estates for the purpose of tacking. This is a question which, as the Act stands, will require to be considered, but it would have been quite easy to settle the matter by a definite provision that tacking by virtue of possession of a legal estate is abolished.

There remains the question of further advances for separate treatment and this is governed by s. 8 (3) of Schedule II:—

> (3) After the commencement of this Act, the right of a prior mortgagee to make further advances to rank in priority to subsequent mortgages (whether legal or equitable) without an arrangement being made with the subsequent mortgagees, shall depend on whether he had notice of the subsequent mortgages at the time when the advance was made by him.

And there is a provision (s-s. (4)) that, in regard to further advances, registration of an incumbrance as a land charge or in a local deeds registry will not operate as notice to the mortgagee if not so registered at the date of the original advance or when the last search was made. The position with regard to local deeds registries and to land charges we shall consider later. As regards the above sub-section it will be noted that it does not distinguish whether the further advances are made under a provision in the mortgage that it shall cover them; but since, if tacking is abolished,

the sub-section can only operate in this case, it would seem that it is impliedly restricted to advances so made. But the point might very well have been made clear. If this is correct, then the sub-section does no more than state the rule in *Hopkinson* v. *Rolt*. It may be that in practice the difficulties we have suggested in applying the new provisions to the existing law will not arise; but it will probably be found advisable, in the projected recasting of the Act, to consider whether these provisions are sufficiently clear, and do in fact sufficiently provide for the operation—or non-operation—of tacking in the new system, alike by virtue of a legal estate and by a current account mortgage.

(To be continued.)

Escheat of Enfranchised Copyholds in Crown Manors.

THE question which was raised at an inquisition held at Kendal in May, 1921, namely, whether, under the circumstances of the case, certain enfranchised lands escheated, for want of an heir, to the Crown or the Lord of the Manor, came before Mr. Justice Astbury recently in *Re Holliday* (38 T.L.R. 709). The inquisition was held before Commissioner T. B. Leigh, and we printed a report of it at the time from the *Westmoreland Gazette* (65 SOL. J., 645). In 1837 the lands in question, which were situate at East Stanmore, in the Manor of Brough, in the County of Westmorland, were held by John Atkinson as a customary tenant of the manor and were in that year enfranchised by the then Lord of the Manor to John Atkinson, his heirs and assigns, to be holden of the lord in free and common socage. From John Atkinson the lands passed ultimately to Thomas Holliday, who was illegitimate and died in 1910 intestate. The manor was in 1607 granted by James I to be held of the King by Knight service, and it is now vested in Lord Hothfield. The main issue in the case was whether the lord of the manor, holding as he did directly of the Crown, was entitled to subinfeudate his lands notwithstanding the prohibition on such subinfeudation contained in the statute *Quia Emptores* (1290, 18 Edw. 1, cap. 1), and notwithstanding the subsequent statute *De Prerogativa Regis* (1324, 17 Edw. 2, c. 11). If he was so entitled, then Lord Hothfield was immediate lord of the lands found to be without an heir and took them by escheat; if the lord in 1837 was not so entitled, the lands escheated to the King. The inquisition had found that the lands escheated to the Crown. The object of the present proceedings was to traverse this finding and claim the lands for Lord Hothfield.

Now the point whether *Quia Emptores* extended to tenants *in capite* of the Crown, as suggested above, is not novel. The matter has been discussed by numerous writers who have taken different views. It is sufficient to refer to Challis (Real Property, 3rd ed., pp. 20-22). Challis took the view that such subinfeudation is forbidden by the statute, and in *Bradshaw* v. *Lawson* (1791, 4 T.R. 443), and in *Chetwode* v. *Crew* (1746, Willes 614, 619), judgments were delivered holding that the statute forbade subinfeudation without any exception of tenants holding of the Crown, though the point as to their position was not expressly taken in those cases.

The main argument in favour of excepting Crown lands held by a tenant-in-chief from *Quia Emptores*, of course, is fairly obvious. A statute does not bind the Crown, unless expressly stated to do so; and *Quia Emptores* does not expressly purport to bind the Crown. That being so, it is arguable that it does not bind lands retained by the King as Crown lands or conferred on subjects as tenants-in-capite *ut de corona*; the holders of such Royal manors stand in the shoes of the Crown and are possessed of all the Crown's exemptions. If so, they are not bound by *Quia Emptores* and can subinfeudate, if they please, without a licence. This general exemption from the statute, then, would exist in favour of all tenants who hold of the Crown either (1) by Knight service (where it still exists), (2) *ut de corona* (in the case of Royal manors), or (3) as tenants-in-capite.

Now this somewhat intricate problem of real property law turns primarily on the interpretation of *Magna Carta*, (9 Hen. 3, c. 32) which forbids a freeman to sell more of his land than would leave enough to enable him to perform his services to his lord. If this view is right, prior to *Quia Emptores* there already existed this restriction on freeholders; and the policy of that statute was simply to amend the restriction by permitting freeholders to alienate but not to subinfeudate. It would, therefore, apply only to freeholders. This is ingenious, but there seems no reason why it should not apply equally to a lord holding of the Crown and his freeholders holding of him; the mischief aimed at is the same in both cases. A point of some importance is the date of *De Prerogativâ Regis*. Mr. Justice Astbury took the view that the statute really only replaced an earlier statute in identical terms enacted between the date of *Magna Carta* and that of *Quia Emptores*. Its effect is to impose limits on the alienation of certain holdings; but these appear to be lands held *de honore* (as in the Counties Palatine of Lancashire, Durham, and Chester), not lands held *de corona*. The whole historical development of the law at this date, however, is still extremely obscure, and the issue must rather be decided in accordance with broad modern rules of law.

Whatever view, indeed, be taken of the medieval common law on this matter, it certainly seems clear that the Statute of Tenures (12 Car. 2, cap. 24), turned all tenancies-in-capite into socage tenures (except, of course, tenancies of titles and dignities) and so subjected them to *Quia Emptores*. This contention was strongly pressed on behalf of the Crown by the Attorney-General; but its actual decision was not necessary, since Astbury, J., held that *Quia Emptores* always had applied. In so holding he was influenced partly by the weight of authority in favour of that interpretation, especially the opinion of Challis, but also by a consideration of the probable intent of the statute itself. It seems improbable, he suggested, that, when the power of the Crown was at its highest, the King should have been willing to suffer an inconvenience from his own immediate tenants which they were to escape in the case of their own vassals by the operation of *Quia Emptores*.

The main objection to the claim that *Quia Emptores* did not bind Royal tenants, it is submitted, is the simple one that the maxim, statutes do not bind the Crown, has really no application to the case. In the first place, tenants-in-capite are *not* the Crown; they are merely holders of the Crown. In the second place, the whole object of the statute was to protect lords against an ingenious fraud of their vassals; but the Crown is the supreme example of a lord liable to such despoilment by his vassals; therefore *a fortiori* the statute meant to help the Crown by forbidding its immediate tenants to subinfeudate. In fact, the view of Challis, as explained by Mr. Justice Astbury, seems the plain common sense of an intricate matter.

Books of the Week.

Workmen's Compensation.—The Workmen's Compensation Act, 1906, with the Statutes relating to, and Cases decided on, the Act in England, Scotland and Ireland; the County Court Rules of Procedure; the Home Office Regulations and Forms. By His Honour Judge RUEGG, K.C., and HENRY PERCY STAINES, Solicitor of the Supreme Court, Registrar of the Henley and Stoke-upon-Trent County Court. Ninth edition. Butterworth & Co. 30s. net.

Income Tax.—Tolley's Income Tax Tables for 1920-22 and 1922-23. 1s. 6d. net; 1s. 7d. post free. Tolley's Complete Income Tax, Excess Profits Duty, Corporation Profits Tax, Super-tax, etc. Chart of Rates, Allowances and Abatements for 1922-23, and eighteen previous years. Seventh edition. 2s. 6d. net; 2s. 8d. post free. Chas. H. Tolley A.C.I.S., Accountant, 107 Tierney-road, Streatham Hill, S.W.2; and 4 Great Winchester Street, E.C.2.

Income Tax.—1922 Income Tax and Super-tax, 1842-1923. Tabular View of Rates, Exemptions, Deductions, etc., etc. Reminders and Advice and over thirty Repayment Claims, etc., etc Fifth edition. 1s. net; by post 1s. 2d. Oliver & Boyd, 33 Paternoster Row, E.C.

Massachusetts Law Quarterly, May, 1922. Massachusetts Bar Association, Boston, Mass.

Correspondence.

Courts (Emergency Powers) Acts.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—As it may be some little while before the full text of the notice issued by the Lord Chancellor referred to in your issue of to-day will reach country practitioners, I shall be obliged if you will please state if the restrictions on Mortgagees exercising their Powers of Sale without leave of the Court will obtain after the 31st inst.

CARDIFF SOLICITOR.

12th August.

[See under "Current Topics."—ED. *S.J.*]

The Times correspondent at Melbourne, under date of 14th August, says: The death is announced of Mr. Justice Pring, of the New South Wales Supreme Court. *The Times* adds that Mr. Justice Pring was born near Wagga Wagga, New South Wales, in 1853, was called to the Bar in 1874, and raised to the Bench in 1902.

CASES OF LAST SITTINGS.

High Court—King's Bench Division.

NORWICH UNION FIRE INSURANCE CO. LTD. *v.* COLONIAL MUTUAL FIRE INSURANCE CO. LTD.

McCardie, J. 22nd June and 4th July.

SHIPPING—MARINE INSURANCE—RE-INSURANCE—VARIATION OF ORIGINAL POLICY—RE-INSURERS NOT INFORMED OF VARIATION—LIABILITY.

A marine insurance policy was issued by the plaintiffs to the owners of a vessel. Shortly afterwards the plaintiffs effected a policy of re-insurance with the defendants which was issued "subject to the same clauses and conditions as the original policy." A transaction subsequently took place between the plaintiffs and the owners whereby a reduction of the premium on the original policy was agreed upon. This transaction was endorsed on the head policy.

Held, that as the head policy had been altered without the assent or knowledge of the defendants, the original foundation of the re-insurance policy had ceased to exist and the defendants were relieved from liability to the plaintiffs.

In this action the plaintiffs in July, 1920, issued to the owners of a vessel a policy in the usual form, for twelve months from 14th July, 1920, in the following terms: "Hull and machinery valued at £313,050, subject to Institute time clauses as attached including the four-fourths running down clause. Subject to Institute warranties as attached. Cancelling insurance already placed. The plaintiffs on 13th August, 1920, entered into a policy of re-insurance with the defendants "Subject to the same clauses and conditions as the original policy and/or policies and to pay as may be paid thereon." In February, 1921, the plaintiffs and the owners entered into negotiations resulting in an agreement which was endorsed on the original policy and under which it was agreed to reduce the policies on the hull and machinery of the vessel. This agreement was made without the knowledge or assent of the defendants. The vessel was lost and the defendants made certain payments to the plaintiffs, but disputed their liability, owing to the alteration of the bargain between the plaintiffs and the owners.

MCCARDIE, J., in delivering judgment, said that there was only one original policy in question, *i.e.*, the head policy of 9th July, 1920. In his view it was upon that policy and that policy only that the re-insurance policy was based. No other foundation existed. The parties to the re-insurance policy used clear and express words as to the subject matter of their bargain. In the case before him he thought it was clear that the contractual basis was the head policy of 9th June, 1920. What was the effect, then, of the bargain made in February, 1921, and endorsed on the head policy? He agreed that there was no rescission, but he could not assent to the suggestion that there was no variation. The parties first embodied their new bargain in a slip and then endorsed the effect of the slip on the re-insurance policy. If that was not a variation, and a variation moreover, of a material character he did not know what a material variation could be. In his view the original foundation of the re-insurance policy had ceased to exist and the original policy had in substance become a fresh policy with different terms. The alteration had been effected without the assent or even knowledge of the defendants. The case appeared to be covered by the ratio of the Court of Appeal in *Lower Rhine and Wurtemberg Insurance Association* v. *Sedgwick* (1899, 1 Q.B. 179), where it was held that certain policies which were referred to in a re-insurance policy were the policies then in existence and that the liability of the re-insurer did not extend to losses which might be incurred by the assured under a policy not containing the same terms, conditions and clauses as the original policies. There would seem to be no difference in principle between a cancellation of the original policy followed by a substitution of a fresh policy on different terms and conditions as distinguished from a substantial variation of the original policy by an alteration in its clauses, values or warranties. There appeared to be no half-way house between a right to alter the head policy without consent and an absence of right to do so. The only sound rule seemed to be that the head policy could not be altered except with the consent of the re-insurer. Otherwise the latter would be thrown into a position of danger, difficulty and doubt. His Lordship, therefore, held that the defendants were relieved from liability and gave judgment in their favour.—COUNSEL: *Dunlop*, K.C., and *R. I. Simey* for the plaintiffs; *Mackinnon*, K.C., and *S. L. Porter* for the defendants. SOLICITORS: *W. A. Crump & Son*; *Parker, Garrett & Co.*

[Reported by J. L. DENISON, Barrister-at-Law.]

The defence of "coercion," says *The Times*, was raised by Mr. Pierron, at West London Police Court on Wednesday, on behalf of Kathleen Jenkins, who with her husband, Frederick Jenkins, a costermonger, was charged before Mr. Forbes Lankester with stealing and receiving a purse belonging to a customer who inadvertently left it on their stall. Evidence was given that Mrs. Jenkins handed the purse to her husband, who put it in a fruit basket. When questioned, they denied having the purse. Mr. Pierron argued that a wife who committed a theft in the presence of her husband was presumed to be acting under his coercion. The magistrate said he doubted that, where the initial act was performed by the wife herself, but he would give her the benefit of the doubt and discharge her. Jenkins was fined 40s.

New Orders, &c.

Procedure.

THE RULES OF THE SUPREME COURT (REDUCTION OF CAPITAL), 1922. DATED JULY 28, 1922.

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. *Revocation of former Orders.*]—The Rules of the Supreme Court of the 3rd May, 1909 (S.R. & O., 1909, No. 505), as to procedure on applications for confirmation by the Court of the Reduction of the Capital of Companies under the Companies (Consolidation) Act, 1908 (8 Edw. 7, c. 69), and the forms thereby prescribed are hereby revoked and annulled provided that such revocation and annulment shall not prejudice or affect anything done or suffered before the date on which these Rules come into operation under any Order or Rule which is hereby revoked and annulled.

2. The following Rules shall stand as Order LIIIB of the Rules of the Supreme Court, 1883.

ORDER LIIIB.

PROCEDURE ON APPLICATION FOR CONFIRMATION BY THE COURT OF THE REDUCTION OF THE CAPITAL OF COMPANIES UNDER THE COMPANIES (CONSOLIDATION) ACT, 1908.

1. *Interpretation.*]—In this Order—

"The Act" means the Companies (Consolidation) Act, 1908.

"The Court" includes any Judge of the High Court having for the time being jurisdiction to confirm the reduction of the capital of companies.

"Judge" means any Judge of the High Court having for the time being jurisdiction to confirm the reduction of the capital of companies and includes any Registrar, Master, or other Officer exercising the powers of any such Judge.

"The Petition" means the petition presented by the company for the confirmation by the Court of the reduction of the capital of the company.

"The Company" means the company which presents the petition for reduction of its capital.

2. *Application of Rules of Supreme Court.*]—The Rules of the Supreme Court for the time being in force and the general practice of that Court including the course of procedure and practice in Chambers shall apply as regards all proceedings in relation to the confirmation of any reduction of capital by the Court so far as may be practicable except if and so far as the Act or this Order otherwise provides. In particular if and when the Court is for the time being a Judge of the Chancery Division the provisions of Order 5, Rule 9A, shall apply to all such proceedings as being business assigned within the meaning of that Rule.

3. *Title of petition.*]—The petition and all notices, affidavits and other proceedings under the petition shall be intituled in the matter of the company, and in the matter of "The Companies (Consolidation) Act, 1908."

4. *Summons for directions.*]—(1) When the petition has been presented, an application shall, in every case, be made, *ex parte*, by summons in chambers, to the judge, for directions as to the proceedings to be taken preliminary to the hearing of the petition or otherwise with reference thereto.

(2) Upon the hearing of the summons, or upon any adjourned hearing or hearings thereof or any subsequent application, the Judge may make such order or orders and give such directions as he may think fit as to all the proceedings to be taken on and with reference to the petition, and more particularly with respect to the following matters, that is to say—

(*a*) The publication of notice of the presentation of the petition;

(*b*) In cases within section 49 (1) of the Act, the proceedings to be taken for settling the list of creditors entitled to object to the proposed reduction; fixing the date with reference to which the list of such creditors is to be made out, pursuant to that section; and generally fixing a time for and giving directions as to all other necessary or proper steps in the matter of the petition whether expressly mentioned in any of the Rules of this Order or not.

(3) In cases within section 49 (1) of the Act, the first insertion in a newspaper of the notice of presentation of the petition and of the date fixed with reference to which the list of creditors is to be made out, shall be directed to be made at such time as the Judge shall think fit, and in such cases the first order upon the summons for directions may be in the Form No. 30 set out in Appendix L with such variations as the circumstances of the case may require.

5. *Affidavit as to creditors.*]—In cases within section 49 (1) of the Act the company shall, at least two days before the date fixed for the hearing of the summons file in the Central Office, or if the petition is pending before a Judge to whom the jurisdiction to wind-up companies is assigned in the office of the Registrar as the case may be, an affidavit made by some officer or officers of the company competent to make the same, verifying a list containing so far as possible the names and addresses of the creditors of the company as defined by that section at the date of the presentation of the petition, and the amounts due to them respectively, or in the case of any debt payable on a contingency or not ascertained or any claim admissible to proof in a winding-up of the company the value, so far as can be justly estimated of such debt or claim. On the hearing of the

summons or on any adjournment thereof the judge may if for any reason he thinks fit require a further list or lists to be verified in manner aforesaid. Every such list and an office copy of every such affidavit shall be left at the chambers of the judge not later than one day after the filing of the affidavit.

6. *Form of Affidavit.*]—The person making any such affidavit shall state therein his belief that the list verified by such affidavit is correct, and that there was not at the date of the presentation of the petition or if a date has been so fixed as aforesaid at the date so fixed any debt or claim which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, except the debts and claims set forth in such list, and shall state his means of knowledge of the matters deposed to in such affidavit. Such affidavit may be in the Form No. 31 set out in Appendix L. with such variations as the circumstances of the case may require.

7. *Inspection of list of creditors.*]—Copies of such lists containing the names and addresses of the creditors, and the total amount due to them (including the value of any debts or claims estimated as aforesaid), but omitting the amounts due to them respectively, or (as the judge shall think fit) complete copies of such list, shall be kept at the registered office of the company and at the offices of their solicitors and London agents (if any) and any person desirous of inspecting the same may at any time during the ordinary house of business inspect and take extracts from the same on payment of the sum of one shilling.

8. *Notice to creditors.*]—The company shall, within ten days after the filing of such affidavit, or such further or other time as the judge may allow, send to each creditor whose name is entered in the said list a notice stating the amount of the proposed reduction of capital, and the amount or estimated value of the debt or the contingent debt or claim or both for which such creditor is entered in the said list, and the time (such time to be fixed by the judge) within which, if he claims to be a creditor for a larger amount, he must send in his name and address, and the particulars of his debt or claim, and the name and address of his solicitor (if any) to the solicitor of the company; and such notice shall be sent through the post in a prepaid letter addressed to each creditor at his last known address or place of abode, and may be in the form or to the effect of the Form No. 32 set out in Appendix L, with such variations as the circumstances of the case may require.

9. *Advertisement of petition and of list of creditors.*]—Notice of the presentation of the petition and of the list of creditors shall, after the filing of the affidavit mentioned in Rule 5 of this Order, be published at such times, and in such newspapers, as the judge shall direct. Every such notice shall state the amount of the proposed reduction of capital, and the places where the aforesaid list of creditors may be inspected, and the time within which creditors of the company who are not entered on the said list, and are desirous of being entered therein, must send in their names and addresses, and the particulars of their debts or claims, and the names and addresses of their solicitors (if any) to the solicitor of the company; and such notice may be in the Form No. 33 set out in Appendix L, with such variations as the circumstances of the case may require.

10. *Affidavit as to Result of Rules 8 and 9.*]—The Company shall, within such time as the judge shall direct, file in the Central Office, or in the office of the Registrar as the case may be, an affidavit made by the person to whom the particulars of debts or claims are, by such notices as are mentioned in Rules 8 and 9 of this Order, required to be sent in, stating the result of such notices respectively, and verifying a list containing the names and addresses of the persons (if any) who shall have sent in the particulars of their debts or claims in pursuance of such notices respectively, and the amounts of such debts or claims, and some competent officer or officers of the company shall join in such affidavit, and shall in such list distinguish which (if any) of such debts and claims are wholly, or as to any and what part thereof, admitted by the company, and which (if any) of such debts and claims are wholly, or as to any and what part thereof, disputed by the company. Such affidavit may be in the Form No. 34 set out in Appendix L, with such variations as the circumstances of the case may require; and such list and an office copy of such affidavit shall, within such time as the judge shall direct, be left at the chambers of the judge.

11. *Proceedings where claim not admitted.*]—If any debt or claim, the particulars of which are so sent in, shall not be admitted by the company at its full amount, then and in every such case, unless the company are willing to appropriate in such manner as the judge shall direct the full amount of such debt or claim, the company shall, if the judge think fit so to direct, send to the creditor a notice that he is required to come in and prove such debt or claim, or such part thereof as is not admitted by the company, by a day to be therein named, being not less than four clear days after such notice, and being the time appointed by the judge for adjudicating upon such debts and claims, and such notice shall be sent in the manner mentioned in Rule 8 of this Order, and may be in the Form No. 35 set out in Appendix L, with such variations as the circumstances of the case may require.

12. *Costs of proof.*]—Such creditors as come in to prove their debts or claims in pursuance of any such notice as is mentioned in Rule 11 of this order shall be allowed their costs of proof against the company, and be answerable for costs, in the same manner as in the case of persons coming in to prove debts under an administration judgment.

13. *Certificate as to creditors.*]—The result of the settlement of the list of creditors shall be stated in a certificate by the Master in the case of an application to the Chancery Division or by the Registrar in the case of an application to the Judge in Companies (Winding-up), and such certificate shall state what debts or claims (if any) have been disallowed, and shall distinguish the debts or claims the full amount of which the company are willing to appropriate, and the debts or claims (if any) the amount of which has been fixed by inquiry and adjudication in manner provided by section 49 (3) of the Act, and this Order, and the debts or claims (if any) the full amount of which the company does not admit or is not willing to appropriate or the amount of which has not been fixed by inquiry and adjudication as aforesaid; and shall show which of the creditors have consented to the proposed reduction, and the total amount of the debts due to them, and the total amount of the debts or claims the payment of which has been secured in manner provided by section 49 (3) of the Act and the persons to or by whom the same are due or claimed; but it shall not be necessary to show in such certificate the several amounts of the debts or claims of any persons who have consented to the proposed reduction or the payment of whose debts or claims has been secured as aforesaid.

14. *Evidence of consent of creditor.*]—The consent of any creditor, whether in respect of a debt due or presently due or a debt payable on a contingency or not ascertained or a claim admissible to proof in a winding-up of the company, may be evidenced in any manner which the Judge shall think reasonably sufficient having regard to the amount of his debt or claim and all the circumstances of the case.

15. *Certificate before hearing of petition.*]—In any case within section 49 (1) of the Act, the petition shall not be heard until the expiration of at least eight clear days from the filing of such certificate as is mentioned in Rule 13 of this Order.

16. *Advertisement of hearing.*]—Before the hearing of the petition, notices stating the day on which the same is appointed to be heard shall be published at such times and in such newspapers as the judge shall direct. Such notices may be in the Form No. 36 set out in Appendix L, with such variations as the circumstances of the case may require.

17. *Who may appear.*]—Any creditor settled on the said list whose debt or claim has not, before the hearing of the petition, been discharged or determined, or been secured in manner provided by section 49 (3) of the Act, and who has not before the hearing consented to the proposed reduction of capital, may, if he think fit, upon giving two clear days' notice to the solicitor of the company of his intention so to do, appear at the hearing of the petition and oppose the application.

18. *Costs of appearance.*]—Where a creditor who appears at the hearing under the last preceding Rule is a creditor the full amount of whose debt or claim is not admitted by the company, and the validity of whose debt or claim has not been inquired into and adjudicated upon under section 49 (3) of the Act, the costs of and occasioned by his appearance shall be dealt with as to the Court shall seem just, but in all other cases a creditor appealing under the last preceding Rule shall be entitled to the costs of such appearance, unless the Court shall be of opinion that in the circumstances of the particular case his costs ought not to be allowed.

19. *Directions at the hearing.*]—When the petition comes on to be heard the Court may, if it shall so think fit, give such directions as may seem proper with reference to the securing in manner mentioned in section 49 (3) of the Act the payment of the debts or claims of any creditors who do not consent to the proposed reduction; and the further hearing of the petition may, if the Court shall think fit, be adjourned for the purpose of allowing any steps to be taken with reference to the securing in manner aforesaid the payment of such debts or claims.

20. *Order confirming reduction.*]—Where the Court makes an order confirming a reduction, such order shall give directions in what manner, and in what newspapers, and at what times, notice of the registration of the order and of such minute as mentioned in section 51 of the Act is to be published; and (unless it shall have dispensed altogether with the addition of the words "and Reduced" or shall then dispense with any further use thereof) shall fix the date until which the words "and Reduced" are to be deemed part of the name of the company as mentioned in section 48 of the Act.

21. *Court fees.*]—The same fees of Court shall be paid in relation to proceedings dealt with by this Order as have heretofore been paid in relation to like proceedings dealt with by the Rules of the Supreme Court of the 3rd May, 1909, and such fees shall be collected by stamps in the like manner as the same have heretofore been collected or in such other manner as may from time to time be directed by the Lords Commissioners of His Majesty's Treasury in pursuance of the powers vested in them by the Public Officers' Fees Act, 1879 (42 & 43 Vict., c. 58).

Order LXV.

3. *Costs in Reduction of Capital proceedings.*]—In Rule 8 of Order LXV after the words "continue to be applied" the following paragraph shall be inserted:—

"Provided that solicitors shall be entitled to charge and be allowed for duties performed under the Companies (Consolidation) Act, 1908, in relation to matters dealt with by Order LIIIB the same fees as they have heretofore been entitled to charge and be allowed for the like duties, unless the Court or Judge shall otherwise specially direct."

Appendix L.

4. The Forms set out in Appendix L to these Rules shall stand as Forms 30, 31, 32, 33, 34, 35 and 36 respectively in Appendix L to the Rules of the Supreme Court, 1883.

5. *Citation.*]—These Rules may be cited as the Rules of the Supreme Court (Reduction of Capital), 1922, and shall come into operation on the

1st day of October, 1922; and the Rules of the Supreme Court, 1883, shall have effect as amended by these Rules.

6. *Commencement of Order.*]—These Rules shall apply to all proceedings in the High Court of Justice with relation to the confirmation by the Court of the reduction of the capital of companies whether commenced before or after the day on which they come into operation, but every such proceeding taken before that day shall have the same validity as it would have had if these Rules had not been made.

Dated the 28th day of July, 1922.

Birkenhead, C. — *P. Ogden Lawrence*, J.
Hewart, C.J. — *T. R. Hughes.*
Sterndale, M.R. — *E. W. Hansell.*
Henry E. Duke, P. — *C. H. Morton.*
R. M. Bray, J. — *Roger Gregory.*
Charles H. Sargant, J.

[*The Forms will follow.*]

County Court, England.

PROCEDURE.

THE COUNTY COURT (No. 2) RULES, 1922. DATED AUGUST 2, 1922.

1. These Rules may be cited as the County Court (No. 2) Rules, 1922, and shall be read and construed with the County Court Rules, 1903 (S.R. & O. 1903, No. 629), as amended.

An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1903, as amended.

The County Court Rules, 1903, as amended, shall have effect as further amended by these Rules.

ORDER X.

2. In Rule 2 of Order X after the words "any right or claim" the following words shall be inserted "other than a claim for ejectment."

ORDER XXXIX.

3. In Rule 92 of Order XXXIX the words "two guineas" and "three guineas" shall be respectively substituted for the words "one guinea" and "two guineas."

ORDER XL.

4. In Rule 4 (2) of Order XL after the words "as a plaint," the following words shall be inserted "The application shall not be made more than 21 days from the date of the award unless with the leave of the judge."

ORDER LIII.

5. Rule 7 of Order LIII and the heading thereto are hereby annulled and the following Rule and heading shall stand in lieu thereof:

"*Allowance of Costs by Judge or Registrar.*

7. An order or decision of the judge or registrar for the allowance of any of the discretionary items in the Scales of Costs or for the allowance of any particular costs under any of the County Court Rules shall be a special order or decision made or given upon consideration of the facts of the particular case and not a general order or decision, and the registrar shall have no power to allow any item which has been expressly disallowed by the judge, and the order or decision of the registrar as to the allowance or disallowance of any item shall be subject to review by the judge."

6. In Rule 8 (1) of Order LIII after the word "judge" the following words shall be inserted "or registrar" and the words "or decide" after the word "order."

7. In Rule 9 (1) of Order LIII the words "and Rule 7 of this Order shall apply to any such application" shall be omitted and the following words shall be substituted therefor:—

"and if not so made shall not afterwards be entertained unless the judge for good cause otherwise orders or unless the judge is satisfied that the omission to make the application in due time was due to mistake or inadvertence, in which case he may on such terms as he may think fit entertain an application at a later date."

8. In Rule 10 of Order LIII the words "certifies for" in both cases where they occur shall be omitted and the words "or registrar allows" shall be substituted therefor.

9. In Rule 39 of Order LIII the words "and hotel" shall be inserted between the words "travelling" and "expenses."

APPENDIX PART IV.

10. The following alterations shall be made in the Scales of Costs in Part IV of the Appendix to the County Court Rules, 1903, viz.:—

(1)

LOWER SCALE.

(1) In paragraph 7 after the word "jury" the following words shall be inserted "or by the registrar" and between the word "judge" and the words "in such action" the words "or registrar."

(2) In paragraph 8 after the word "judge" the words "or registrar" shall be inserted.

(2)

HIGHER SCALE.

(3) In Item 3 the words "except by order of the judge" shall be omitted and the words "unless allowed by the judge or registrar" shall be substituted therefor.

(4) In Item 31 the words "In the cases mentioned in Order LIII Rule 8" shall be omitted, and the words "the judge so orders" shall also be omitted, and the words "allowed by the judge or registrar" shall be substituted therefor.

(5) In Item 35 the words "by judge" shall be omitted.

(6) In Item 70 the words "in the cases mentioned in Order LIII Rule 8, by order of the judge" shall be omitted and the words "by judge or registrar" shall be inserted after the word "allowed."

(7) In Items 72, 73 and 74 the words "unless otherwise ordered by the judge" shall be omitted; and in Item 88 the words "unless the judge otherwise orders" shall be omitted.

(8) In Items 80, 91 and 92 the words "certifies for" shall be omitted and the words "or registrar allows" shall be substituted therefor.

(9) In Items 84, 86, 93, 94 and 95 the words "order of" shall be omitted and the words "or registrar" shall be inserted after the word "judge" where it occurs.

(10) In Items 86 and 93 the words "In the cases mentioned in Order LIII Rule 8" shall be omitted, and also in Item 86 the words "once only" shall be omitted.

We, the undersigned persons appointed by the Lord Chancellor pursuant to section one hundred and sixty-four of the County Courts Act, 1888 [51 & 52 Vict., c. 43], and section twenty-four of the County Courts Act, 1919 [9 & 10 Geo. 5, c. 73], to frame Rules and Orders for regulating the practice of the Courts and forms of proceedings therein, having by virtue of the powers vested in us in this behalf framed the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

Edward Bray. — *J. J. Parfitt.*
T. C. Granger. — *Arthur L. Lowe.*
W. M. Cann. — *A. H. Coley.*
J. W. McCarthy.

Approved by the Rules Committee of the Supreme Court.

Claud Schuster,
Secretary.

I allow these Rules, which shall come into force on the 1st day of October, 1922.

Dated the 2nd day of August, 1922.

Birkenhead, C.

The Probation System.

The following are extracts from the Report of the Departmental Committee on the Training, Appointment and Payment of Probation Officers.

The Committee, which was appointed by the Home Secretary in November 1920, consisted of:—Sir John Baird, M.P. (Chairman), Mr. T. W. Fry, Mr. S. W. Harris, Mr. Oliver W. Hind, and Miss A. Ivimy. The terms of reference were "to enquire into the existing methods of training, appointing and paying Probation Officers, and to consider whether any, and if so, what, alterations are desirable in order to secure at all Courts a sufficient number of Probation Officers, having suitable training and qualifications; and also to consider whether any changes are required in the present system of remuneration."

After stating the procedure of the Committee, the Report continues:

Value of Probation.—Before discussing the questions immediately referred to us, we should like to say a few words on the great value of probation as a means of reformation and the prevention of crime. The system has long passed the experimental stage, and has, we venture to think, taken a prominent and permanent place in our judicial system, as in that of other countries. The underlying idea is the value of the influence which a man or woman of strong personality may exercise over one of weaker or immature character, who, owing to lack of discipline, bad associations or other circumstances, has been led to commit offences, and is liable to fall into or persist in criminal habits. Experience has proved beyond doubt that the ordinary methods available to judicial authorities for dealing with offenders, such as fine and imprisonment, too often fail either as reformative or preventive agencies. On the other hand probation, when applied in suitable cases, has frequently proved successful in producing a real change in the moral attitude of persons brought before the Courts, restoring their self-respect, and enabling them to take their places as decent and law-abiding citizens.

The figures which have been produced to us, showing the percentage of successful and unsuccessful cases, are most encouraging, and afford the strongest possible argument for the value of the system.

It does not follow that probation is a universal remedy for the prevention of crime. There are some offences which are too serious to admit of release on probation, and there are offenders who, owing to long association with crime or other circumstances, are unfit to benefit from an application of the system. Indeed, positive harm may be done by releasing on probation an offender to whom its application is entirely unsuitable. Whether a particular offender can with advantage be put under a probation order must depend on the circumstances of each case, and the decision must be left to the judicial authorities. There seems, however, good reason to believe that the great benefits which may be derived from the use of the machinery provided by the Probation of Offenders Act are not always sufficiently known or appreciated by Courts in this country. It appears to us that every magistrate ought not only to be familiar with the procedure, but also to have constantly before his mind the possibility of using it; and the organisation of Probation Officers should be such as to admit of every Court exercising its duties under the Probation of Offenders Act to the fullest possible extent.

We wish to draw special attention to the importance which was emphasised strongly in the evidence of using the probation system at the earliest possible stage in an offender's career. Too often, both in the case of juveniles and adults, probation is only applied when other methods have failed, with the result that the Probation Officer starts his work with much diminished chances of success.

On the other hand, where an offender has been placed on probation without success, there may be a danger in repeating the process for second and subsequent offences. As regards juvenile delinquents, the Departmental Committee on Reformatory and Industrial Schools, who reported in 1913 (Cd. 6838), drew attention to the fact that the work of the Reformatory and Industrial Schools had been rendered more difficult by an unwise use of the Probation Act, as boys and girls who have been put on probation not only for their first but also for second, third, or even fourth offences before they are committed to a school "become habituated to an undisciplined life, their characters have become formed and their reformation is more difficult." For these reasons the Committee deprecated the use of probation after the first period, except for special reasons. We agree that where a juvenile offender has failed to take advantage of an adequate period of probation, or when the home associations are bad, immediate committal to a Reformatory or Industrial School offers, as a rule, a better chance of a permanent cure.

The marked decrease in the prison population, and in the number of committals to Reformatory and Industrial Schools which has taken place during the last few years, may be attributed partly to the increasing use of probation. It is hardly necessary for us to point out that probation is extremely economical compared with the cost of keeping persons in prison, or of maintaining boys and girls in Reformatory or Industrial Schools. We do not advocate the use of probation merely because it is inexpensive but we wish to lay great stress on the considerable saving to public funds which is likely to follow from the use of probation in all suitable cases.

Law.—The law on the subject of probation is contained in the Probation of Offenders Act, 1907, as amended by the Criminal Justice Administration Act, 1914. The magistrates whom we consulted agreed that it was, generally speaking, sufficient for its purpose. Some suggestions were made to us for minor alterations in the law, but this matter is outside the scope of our enquiry.

Extent to which Probation is Used.—A useful estimate of the extent to which probation has been used in England and Wales in recent years can be obtained from the Tables which are printed at the end of the report.

It will be seen that in 1908, the year after the principal Act came into force, 8,023 persons were placed under probation. The number rose to over 11,000 in 1912 and 1913, and over 12,000 in 1916 and 1917. The year 1919, which is the last year for which figures are available, shows a drop in the number to 9,655.

The great majority of probation orders are made by Courts of Summary Jurisdiction. For instance, of the 9,655 orders made in 1919, those made by Courts of Summary Jurisdiction amounted to 9,068. A very small number were made by Courts of Assize (7), and a comparatively small number by Quarter Sessions (580). Of these 580 the majority (465) were made by the London Sessions.

The total number of persons brought before the Courts in 1919 amounted to 546,588, and the number placed under probation, 9,655, represents a percentage of 1.77.

Taking London alone, the number of persons brought before the Police Courts in 1919 amounted to 138,910, and of these 3,148 were placed under probation, representing a percentage of 2.27.

Probation is particularly applicable in the treatment of juvenile delinquents, and it is satisfactory to find that a much higher proportion of children are released on probation than adults. In 1919 the number of juveniles (*i.e.*, persons under 16) dealt with in Juvenile Courts amounted to 40,473. Of these, 4,188 were placed under probation, representing a percentage of 10.35.

There appears to be a marked difference in the practice of different Courts. One witness furnished us with Tables which have been verified and are printed at the end of our report, comparing the practice of 16 towns selected merely because their police returns enabled a satisfactory comparison to be made. Taking all these towns together, 2.36 per cent. of the cases tried, both juvenile and adult, were placed on probation, but the figures for each town vary from .74 per cent. in the case of N. to 5.75 per cent. in the case of E. On the other hand, taking juvenile cases only the average number of cases placed on probation was 13.82 per cent., and the figures for each town vary from 1.45 per cent. in the case of N. to 43.61 per cent. in the case of G.

The use of the Act by magistrates must depend on the presence of Probation Officers to whose care offenders can be released. It is disappointing to find that fourteen years after the principal Act was passed, out of 1,034 Courts of Summary Jurisdiction in England and Wales, no less than 215 have taken no steps to appoint a Probation Officer. Many of these Courts are in country districts, and it was suggested to us by one of the witnesses that probation is unnecessary in country villages, where public opinion makes the influence of a Probation Officer unnecessary. This view was not shared by other witnesses, and we are unable to accept it. There are many villages where the work of a Probation Officer is as much needed as in the towns and large cities. The organisation of probation work is no doubt more difficult in some country districts, especially in remote villages, but we believe the problem is by no means incapable of solution.

The conclusion to which we have come after consideration of these figures and the representations made to us is that many Courts—including Courts of Quarter Sessions—could with great advantage use probation procedure much more freely than they do at present, and that every Court should have the services of a Probation Officer at its disposal, so that probation orders can be made when the circumstances render such a course desirable.

The Report then deals with *Probation Officers: Appointing Authority; Nature of Existing Appointments; Voluntary Assistance;* and continues:—

Duties of Probation Officers.—Whatever may be the class of officer employed, and the conditions of employment, it is essential to the success of probation that the Probation Officer should be able to devote sufficient time and attention to each case, and that probation and missionary work should not be interfered with by other duties. It is very difficult to estimate the time occupied in supervising a probationer or to fix the number of cases which one officer can superintend at one time. So much depends on the circumstances of each particular case and the extent of an officer's district. The general opinion seems to be that a Probation Officer cannot adequately look after more than about 50 or 60 cases in addition to missionary work, but it appears from the returns made to the Home Office that some Probation Officers have from 70 to 100 cases under their charge.

[*To be continued.*]

Counsel's Fees.

The following letter appeared in *The Times* of the 12th inst. :—

Sir,—In my address as president of the Law Society in 1912 I drew attention to the hardship inflicted upon suitors by the state of affairs regarding fees to counsel. My remarks met with approval from various quarters, including many distinguished Judges, but did not commend themselves to the Bar Council.

The objections raised by me were chiefly to the system by which, when you briefed what may be called a "star" counsel, who demanded a very large fee, you were obliged by "the etiquette of the Bar" to give to the other counsel briefed with him fees bearing a certain proportion to his fee. Of course, any distinguished counsel can place whatever value he thinks proper upon his services. The labourer is worthy of his hire, and personally in my own profession I have always followed this principle. But what earthly reason can there be for the Bar Council to insist that in such a case it should be obligatory upon the client to compensate the other counsel much beyond his or their deserts, and at a rate that he or they would never dream of demanding but for the fact that a "star" counsel had been employed ?

From 1912 until now the Council of the Law Society have incessantly endeavoured to induce the Bar Council to remedy this anomaly, but without success, the alterations suggested by the latter body not being considered satisfactory. How long is the public to continue to suffer under this injustice, and how long is what I described in my address as the present result of litigation—viz., an oyster shell for the successful litigant, an oyster shell for the solicitor, and the oyster as the fee for counsel, a truly happy state of affairs for the last named, but by no means satisfactory to the first named—to continue ? CHARLES L. SAMSON.

6, Austin-friars, E.C.,
10th August.

Obituary.

Judge Fossett Lock.

His Honour Judge Benjamin Fossett Lock died the 11th August, at Bridlington, in his seventy-fifth year. The son of Henry Lock, solicitor, of Dorchester, he was a younger brother of the Rev. Walter Lock, Lady Margaret Professor at Oxford, and formerly Warden of Keble, and was born on 13th December, 1847. He went to Dorchester Grammar School, and was elected a King's scholar at Eton, and in due course a scholar of King's, Cambridge, where he took his degree in 1871. He was called to the Bar by Lincoln's Inn in 1873, and obtained a considerable practice as an equity draftsman and conveyancer. He also joined the Western Circuit and the Dorsetshire Sessions. In 1913 he was appointed County Court Judge of Circuit 16 (East Riding and parts of North and West Ridings of Yorkshire).

Judge Lock, says *The Times*, was a man of varied interests. He was the author of the article on Professor Maitland in the "Dictionary of National Biography," and he collaborated in two issues of "The Annual Practice," 1910-11. In the work of the Selden Society he took a great interest, and was honorary secretary for eighteen years and a member of the council till his death. He had held a commission in the Royal Naval Artillery Volunteers, and was a member of the Admiralty Volunteer Committee. For twenty-six years he was chairman of committee of the Social and Political Education League, and was till his death chairman of the Central Legal Aid Society, vice-president of the Dorset Men in London, and member of the council of the Yorkshire Archæological Society. He wrote various articles and pamphlets on the defence of poor prisoners and legal aid for the poor. Mrs. Lock, who was a daughter of the Rev. J. P. Hammond, died in 1920, leaving a son and a daughter.

Sir Albert Rollit.

Sir Albert Kaye Rollit died on Saturday at his home, St. Anne's-hill, Chertsey at the age of eighty years.

Sir Albert Rollit, says *The Times*, who was born at Hull, had a remarkable and varied career. He was well known on the Continent, spoke fluent French, and received many foreign decorations. He began life as a solicitor, and was a Prizeman of the Incorporated Law Society in 1863. Later he became the president of the Society. He had offices in Hull and in Mincing-lane, London. He followed up success in the law by becoming a shipowner, and in Parliament he concerned himself equally with commercial and legal questions. After the Boer War he strongly opposed Mr. Chamberlain's Tariff Reform proposals, and he lost his seat at the General Election of 1906. In 1910 he stood as a Liberal candidate for the Epsom division, but again he was defeated. Since 1911 he had acted as Consul-General for Rumania in London, and among other positions he had held were those of an Elder Brother of Trinity House, Hull; director of the British Chamber of Commerce, Paris; president of the Associated Chambers of Commerce; member of the Commercial Intelligence Committee of the Board of Trade; and president of the Municipal Corporations Association. He was an honorary freeman of Hull and Huddersfield.

In 1896 he married as his second wife Mary, Dowager Duchess of Sutherland. The duchess was the daughter of the Rev. Dr. Mitchell and the widow of Captain Blair, agent to the third Duke of Sutherland at Dunrobin. Her marriage to the Duke took place in Florida, and after the Duke's death there was litigation between the widow and her step-children. Sir Francis Jeune, in 1893, made an order for the production of certain documents, and one of these the duchess threw on the fire, with the result that she was fined £250 and ordered to be imprisoned for contempt of Court. Sir Albert Rollit was her third husband. Sir Albert Rollit was a magistrate for Windsor and for the Windsor division of Berkshire, and he presided at a sitting of the county justices within a week of his death.

Mr. C. F. Jemmett.

Mr. Charles Fuhr Jemmett, of 7 King's Bench-walk, Temple, E.C., and Sea View House, Sidmouth, Devon, died on 7th August in a nursing home in London, in his seventy-ninth year. Mr. Jemmett was a member of Trinity College, Cambridge, where he took a second in the Law Tripos in 1866, graduating B.A. and LL.B. in 1867 and LL.M. in 1872. He was also a member of Christ Church, Oxford, where he took the degree of M.A. in 1867, and that of B.C.L. in 1872. He was called to the Bar by Lincoln's Inn on 30th April, 1869, and was an authority on ecclesiastical law.

On 12th August, says an Exchange message from Amsterdam, the Hague Permanent Court of International Justice pronounced judgment upon the following question, submitted to the Court by the Council of the League of Nations: "Does the competence of the International Labour Office extend to the international regulation of the conditions of labour of persons employed in agriculture?" The answer of the Court was in the affirmative. On the second question submitted to the Court:—"Does the competence of the International Labour Organisation extend to the examination of proposals for organisation and development of methods of agriculture?" The Court answered in the negative.

A man summoned at West Ham Police Court on Wednesday, says *The Times*, for non-payment of income-tax declared that he had already paid it twelve months ago, and produced a money order for the amount claimed. The magistrate's clerk: This should have been posted to the income-tax authorities. Do you really think this is a receipt? The defendant: Of course it is. The Inland Revenue have had the money. I have some more of the "receipts." The defendant then surprised the court by producing five other money orders made payable to the Inland Revenue but not cashed. The tax collector said he would explain matters to the defendant, adding, We often have cases of this sort.

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, August 11.

THE ANGLO-RUSSIAN TRUST LTD. Sept. 16. Christopher N. Cook, 11, Angel-ct.

THE PRINCESS SUPER CINEMA CO. LTD. Sept. 12. Joseph E. Pilkington, 77, King-st., Manchester.

UNITED SHIPBUILDERS & REPAIRERS LTD. Sept. 7. J. A. Campbell, F.C.A., 16, South-st., Finsbury, E.C.

E. THORNTON & CO. LTD. Sept. 7. J. A. Campbell, F.C.A., 16, South-st., E.C.

F. H. AVENT LTD. August 22. James Smith, 35-36, Wind-st., Swansea.

DEWHIRST & WIDDOWS LTD. August 31. Alfred Greaves, 5, Bank-st., Bradford.

GRAND GARAGES LTD. August 22. Mr. Frederick Holliday, Pearl-chmbrs., East-parade, Leeds.

London Gazette.—TUESDAY, Aug. 15.

HORSFALL PIANO MANUFACTURING CO. LTD. Sept. 12. Edward G. Bradshaw, Bank Chambers, Euston-rd., Morecambe, Lancs.

BRITISH GLASS BOTTLES LTD. Sept. 8. Samuel Taylor Hall, 24, The Strand, Derby.

LONDON & SOUTH COAST LAND CO. LTD. Sept. 23. Henry E. Cooper, 1, South-place, Worthing.

WALKER, SPINK & HILL LTD. Aug. 31. Frank Shaw, Market-place, Dewsbury.

KIDD'S AUCTION CO. LTD. Aug. 23. Joseph C. Kidd, Newbiggin House, Newbiggin, Dacre, Penrith, or John H. Bates, Fir Bank, Penrith.

SAN JUAN ESTANCIA CO. LTD. Aug. 28. Richard B. Bethell, 29, Exchange-chmbrs, Liverpool.

T. J. FAIREY (KETTERING) LTD. Sept. 2. Chas. T. Appleby, 26, Corporation-st., Birmingham.

CHALKS MILL CO. LTD. Sept. 12. James H. Lord, Bank-bldgs., Bacup.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, August 11.

Irbar Ltd.
Kent Fruits Ltd.
Anglo-Russian Trust Ltd.
Continental Properties Ltd.
The Bournemouth & District Vacuum Cleaner Co. Ltd.
The Rydal Garage Co. Ltd.
Woollen Products Ltd.
The Anglo-British Columbia Corporation Ltd.
The Midhurst Electric Cinema Co. Ltd.
The Standard Boot Manufacturing Co. Ltd.
"Wren" Hat Co. Ltd.
The Withern Fishing and Estates Ltd.
Getah Syndicate Ltd.
Auto Buyers Ltd.
J. E. Cresswell & Co. Ltd.
Farnborough Empire Electric Theatre Ltd.
Charas (Church) Ltd.
Cardiff Traders Ltd.

London Gazette.—TUESDAY, Aug. 15.

Smokeless Economisers Ltd.
Dowgate Properties Ltd.
C. E. Cooper & Kaye Ltd.
The New Skewen Wernavon Collieries Ltd.
The East Anglian Farmers' Flax Co. Ltd.
W. C. Hayes Ltd.
Oriental Plantations Trust Ltd.
The Direct Copper Production Syndicate Ltd.
Bourton-on-the-Water Gas Co. Ltd.
Radiator Tubes Ltd.
Gadong Coconut Estates Ltd.
Cave's Dental Supplies Ltd.
Mary Southwell Ltd.
Hardy, Naufal & Co. Ltd.
Co-operative Agriculture Ltd.
North Wingfield Colliery Co. Ltd.
The Staindrop Workmen's Club and Institute Ltd.
San Juan Estancia Co. Ltd.
Poyser's Patents Ltd.
Huddersfield Fruit Preserving Co. Ltd.
The Anglo United Oilfields (1921) Ltd.
Transactor General Trading Co. Ltd.
Rendle, Blanchard & Co. Ltd.
Hamiltons Amusements Co. Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, August 11.

AITKEN, ROBERT B., Engineer, Birmingham. Birmingham. Pet. March 8. Ord. Aug. 9.

BARDSLEY, HARRY, Shaw, Stripper and Grinder. Oldham. Pet. Aug. 5. Ord. Aug. 5.

BLANCHARD, FLORENCE, Hanwell. Brentford. Pet. July 1. Ord. July 24.

BUXTON, JOHN, Derby, Baker. Derby. Pet. Aug. 8. Ord. Aug. 8.

CALVERT, GEORGE J., Gosforth, Provision Importer. Newcastle-upon-Tyne. Pet. Aug. 5. Ord. Aug. 5.

DAVIS, JOHN T., Goldthorpe, Yorks, Grocer. Sheffield. Pet. Aug. 5. Ord. Aug. 5.

DOGLIANI, A., Great Pulteney-st., W. High Court. Pet. July 17. Ord. Aug. 4.

EARLE, ARTHUR, St. Swithin's Lane. High Court. Pet. July 10. Ord. Aug. 4.

FISHER, EDWARD T., York. High Court. Pet. July 6. Ord. Aug. 4.

FRIEDENBERGE, FANNY, Stockport, Costumier. Manchester. Pet. July 19. Ord. Aug. 9.

GOLDBERG, NATHAN, Brondesbury. High Court. Pet. July 12. Ord. Aug. 9.

GOLDBERG, HARRY, Middlesbrough, Draper. Middlesbrough. Pet. July 20. Ord. Aug. 4.

GREENSLADE, PHILIP G., Warnham, Sussex, Farmer. Brighton. Pet. Aug. 9. Ord. Aug. 9.

GREY, ANDREW, Ilford, Insurance Co's Surveyor. Chelmsford. Pet. Aug. 9. Ord. Aug. 9.

GRIMSHAW, PHILIP H., Bentham, near Cheltenham, Traveller. Cheltenham. Pet. Aug. 5. Ord. Aug. 5.

HENDERSON, FREDERICK C., Great Pulteney-st., Manufacturer's Agent. High Court. Pet. July 13. Ord. Aug. 9.

JENKINS, CYRIL, Finchley-rd. High Court. Pet. July 22. Ord. Aug. 9.

JONES, ALFRED J., Chelmsford, Accountant. Chelmsford. Pet. Aug. 8. Ord. Aug. 8.

KOFFMAN BROTHERS, Manchester, Boot Dealers. Salford. Pet. July 15. Ord. Aug. 9.

LEIGH, THOMAS J., Broad Haven, Joiner. Haverfordwest. Pet. Aug. 9. Ord. Aug. 9.

LOMAS, FREDERICK C., Mardy, Glam., Dairyman. Pontypridd. Pet. July 26. Ord. Aug. 9.

MCDONALD, FREDERICK C., Liverpool, Truck Manufacturer. Liverpool. Pet. Aug. 5. Ord. Aug. 5.

MACTURK, WILLIAM, Sheffield. Sheffield. Pet. July 12. Ord. Aug. 9.

MULLETT, JOHN, Shefford, Beds., Licensed Victualler. Bedford. Pet. July 28. Ord. Aug. 9.

MUNRO, J. MORRISON, 47, Strand. High Court. Pet. July 10. Ord. Aug. 9.

PRICE, E. and J., Sheffield, Boot Dealers. Sheffield. Pet. July 26. Ord. Aug. 9.

RILEY, HENRY, Manchester, Draper. Manchester. Pet. Aug. 8. Ord. Aug. 8.

SMITH, RICHARD H., Askern, Yorks., Contractor. Sheffield. Pet. July 24. Ord. Aug. 9.

STOCK, ALFRED R., Southall. Windsor. Pet. July 28. Ord. Aug. 9.

THOMAS, JOHN, Merthyr Tydfil, Commission Agent. Merthyr Tydfil. Pet. Aug. 5. Ord. Aug. 5.

WEARS, ROBERT A., Newcastle-upon-Tyne, Wine and Spirit Merchant. Newcastle-upon-Tyne. Pet. Aug. 2. Ord. Aug. 2.

WILLIAMS, WILLIAM, Birmingham, Motor Engineer. Birmingham. Pet. July 24. Ord. Aug. 4.

Amended Notice substituted for that published in the London *Gazette* of July 25, 1922:

BURROW, RAYMUND, Chancery-lane, Solicitor. High Court. Pet. Oct. 5. Ord. July 21.

London Gazette.—TUESDAY, August 15.

ACCESSORIES SUPPLY COMPANY, THE, Bedford-row, Manufacturers and Importers of Motor and Cycle Accessories. High Court. Pet. July 12. Ord. August 11.

ASHWORTH, HAROLD, and DUNN, CECIL, Blackpool, Wholesale Fruiterers. Blackpool. Pet. August 9. Ord. August 9.

BELL, ERIC J., High Holborn. High Court. Pet. May 1. Ord. July 18.

BERRY, S. F., & CO., Brentford., Motor Builders. Brentford. Pet. July 18. Ord. August 10.

BIRKETT, ROBERT A., Manchester, practising in Dental Surgery. Manchester. Pet. August 12. Ord. August 12.

BLADES, RICHARD W., Burnley, Leather Merchant. Burnley. Pet. August 11. Ord. August 11.

BRUCE, W. B., Leadenhall-st., Forwarding Agent. High Court. Pet. July 8. Ord. August 11.

BRUCE, WILLIAM, Kingston-upon-Hull, Sauce and Pickle Manufacturer. Kingston-upon-Hull. Pet. August 11. Ord. August 11.

CHAMBERS, DAVID S., Sidmouth, Dairy and Fruit Farmer. Exeter. Pet. August 10. Ord. August 10.

CLARK, THOMAS, Darlington, Fitter. Stockton-on-Tees. Pet. August 12. Ord. August 12.

CLAYDON, JOSEPH H., Birmingham, Coal Merchant. Birmingham. Pet. August 10. Ord. August 10.

COMAR, DAVID, Dudley, Draper. Dudley. Pet. August 10. Ord. August 10.

FARRAR, DAVID C., Leeds, Coal Dealer. Leeds. Pet. August 11. Ord. August 11.

HARRISON, WILLIAM W. A., Filey, Painter and Decorator. Scarborough. Pet. August 10. Ord. August 10.

HARTLEY, JOHN H., Southowram, nr. Halifax, Commercial Traveller. Halifax. Pet. August 10. Ord. August 10.

HENDERSON, JAMES, Nottingham, Painter and Decorator. Nottingham. Pet. August 11. Ord. August 11.

HOLDEN, CHARLES F., Swansea, Grocer. Swansea. Pet. July 28. Ord. August 11.

JONES, PERCY C., Huntspill, Somerset, Stationer, Newsagent, &c. Bridgwater. Pet. August 10. Ord. August 10.

LATUS, RIXON, Manchester, Agent. Manchester. Pet. July 25. Ord. August 11.

LITTLER, JAMES, Gorton, Manchester, Wheelwright. Manchester. Pet. August 10. Ord. August 10.

MOORE, ERNEST W., Scarborough, Fish and Chip Potato Dealer. Scarborough. Pet. August 10. Ord. August 10.

OLIVER, JESSE A., Limpsfield, Surrey, Grocer. Croydon. Pet. August 8. Ord. August 8.

PARKER, FREDERICK J., Bradford, Florist and Fruiterer. Bradford. Pet. August 10. Ord. August 10.

PITT, DOROTHY M., Knowle, nr. Birmingham, Dog Breeder. Birmingham. Pet. July 21. Ord. August 11.

ROBERTS, BESSIE M. T., Chesham, Bucks, Poultry Farmer. Aylesbury. Pet. July 13. Ord. August 9.

SAUNDERS, THOMAS C., Templeton-place, S.W. High Court. Pet. July 8. Ord. August 10.

SAWER, DUDLEY W. R., Catford. High Court. Pet. July 11. Ord. August 10.

SEED, MARGARET A., Brierfield, Lancs, Art Needlework Dealer. Burnley. Pet. August 12. Ord. August 12.

SHEARGOLD, ALFRED, Wigan, Piano and Cycle Dealer. Wigan. Pet. August 9. Ord. August 9.

SMART, ADA G., Saltley, Birmingham, Draper. Birmingham. Pet. August 11. Ord. August 11.

SMITH, HERBERT G., Hammersmith, Machinery Merchant. High Court. Pet. August 10. Ord. August 10.

STONES, GEORGE A., Blackburn, Agricultural Engineer. Blackburn. Pet. August 9. Ord. August 9.

STRADLING, ERNEST V., Porthcawl, Garage Proprietor. Cardiff. Pet. July 25. Ord. August 11.

TAYLOR, C. A. W., Hampstead. High Court. Pet. June 15. Ord. August 10.

THORNE, FRANCIS R., Nuneaton, General Dealer. Coventry. Pet. August 11. Ord. August 11.

VERE-WALWYN, E. M., Bayswater, Boardinghouse Proprietress. High Court. Pet. July 14. Ord. August 10.

WATKINS, FRED A., Hythe, Electrical Engineer. Canterbury. Pet. August 10. Ord. August 10.

WILLIAMS, WILLIAM, Drefach, Llanarthney, Travelling Bootseller. Carmarthen. Pet. August 11. Ord. August 11.

YOUNG, HERBERT, Fulham, Garage Proprietor. High Court. Pet. July 12. Ord. August 10.

Amended Notice substituted for that published in the *London Gazette* of July 4, 1922:—

OWEN, REES, Pantyffynon, Carmarthenshire. Licensed Victualler. Carmarthen. Pet. June 30. Ord. June 30.